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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/806,257	03/23/2004	Kazuhiro Shimawaki	4468-012A	1915

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EXAMINER

KERVEROS, JAMES C

ART UNIT	PAPER NUMBER
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2138

DATE MAILED: 04/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/806,257

Applicant(s)

SHIMAWAKI, KAZUHIRO

Examiner

JAMES C. KERVEROS

Art Unit

2138

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 23 March 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 2,3,7,8,12,13,17 and 18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2,3,7,8,12,13,17 and 18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 09/712,844.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This is a Non-Final Action in response to the PRELIMINARY AMENDMENT of the instant U.S. Application filed 3/23/2004, which is a DIV of 09/712,844 filed 11/15/2000, now US PATENT 6,980,617. Claims 2, 3, 7, 8, 12, 13, 17, 18 are pending and presently under examination.

#### ***Priority***

Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d) of JAPANESE Application No. 323624/1999 filed 11/15/1999. The certified copy has been filed in parent Application No. 09/712844, filed on 11/15/2000.

#### ***Drawings***

The drawings are objected to because the drawings fail to show proper "Figure" designations. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Objections***

Claim Claims 2, 3, 7, 8, 12, 13, 17, 18 are objected to because of the following informalities:

In Claims 2, 7, 12, 17, the preamble should be amended as follows to comply with proper syntax: "A reception data synchronizing apparatus for obtaining synchronization between reception data having a synchronism pattern and expectation data as an expected value of the reception data, comprising:"

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2, 3, 7, 8, 12, 13, 17, 18 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: "a timing generating means operative, when the collation and synchronism decision means gives a decision for inconsistency in phase, for a match between the synchronism pattern detecting timing recorded in the synchronism pattern detecting timing recording means, as a subsequent one, and a timing of a synchronism pattern of the expectation data", as recited in the independent claims 2, 7, 12, 17. For

example, there is a gap between "the timing generating means" and "the match". It is not clear what happens to the timing generating means, when there is or there is no match.

The claims are generally narrative and indefinite, failing to conform to current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 2, 3, 7, 8, 12, 13, 17 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Koishi et al. (U.S. Patent No. 5,463,639).

Regarding independent Claims 2, 7, 12, 17, Koishi discloses a pattern-synchronizing circuit for synchronizing the reception data (input pattern 111, Figure 6) from the DUT at input terminal (40, Figure 1), which is input to one port of the comparator 11, with the expectation data from a reference voltage generator 12, which is input to the other port of the comparator 11, as a threshold voltage, Figure 1, comprising:

a synchronism pattern detecting timing recording means (an error rate detecting divider 17, Figure 1), which is used for synchronous detection, counts the error pulses, and is also a simple error rate-measuring unit;

a collation and synchronism decision means (an error detecting circuit 16), which compares the reception data 43 with a reference pattern data 44 originating from a reference pattern generating circuit 15 and outputs an error pulse 45, if the two data are not coincident with each other.

a timing generating means (a reference pattern generating circuit 15), when the error rate detecting divider (17, Figure 1) detects a error pulse 45, if the reception data 43 with the reference pattern data 44 are not coincident with each other. As a result, the reference-pattern-generating circuit 15 generates a reference pattern output, which is delayed by one bit, and which is applied to the port in the circuit 16, and once again, a data pattern comparison is made by circuit 16.

Regarding Claims 3, 8, 13, 18, Koishi discloses the timing generating means (reference pattern generating circuit 15) transmits a reference timing signal (pattern 44) and the error rate detecting divider (17, Figure 1) records the error pulse 45, as a result of the not coincident between the reception data 43 and the reference pattern data 44.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMES C. KERVEROS whose telephone number is (571) 272-3824. The examiner can normally be reached on 9:00 AM TO 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert Decady can be reached on (571) 272-3819. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Date: 28 March 2006  
Office Action: Non-Final Rejection

JAMES C KERVEROS  
Examiner  
Art Unit 2138

By: 